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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

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JIAJIA QIU,
 a/k/a Jojo Qiu, *on behalf of herself and others*
similarly situated,

Plaintiffs,

v.

LD NATURAL CARE INC
 d/b/a Minghui Massage Spa and
 YAKUN LUAN,

Defendants.

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:
 : Case No.: 3:24-cv-07988-MAS-RLS
 :
 : **DEFENDANTS’ ANSWER**
 : **WITH AFFIRMATIVE**
 : **DEFENSES TO PLAINTIFF’S**
 : **COMPLAINT**

Defendants, LD Natural Care Inc d/b/a Minghui Massage Spa and Yakun Luan (collectively, “Defendants”), state in their Answer to Plaintiff Jiajia Qiu’s (“Plaintiff”) Complaint as follows:

INTRODUCTION

1. Defendants make no response to the allegations in Paragraph 1 of Plaintiff’s Complaint because they are not factual but call for a legal conclusion.

2. Defendants admit that Plaintiff purports to bring the claims asserted.

3. Defendants admit that Plaintiff purports to bring the claims asserted.

JURISDICTION AND VENUE

4. Defendants make no response to the allegations in Paragraph 4 of Plaintiff's Complaint because they are not factual but call for a legal conclusion.

5. Defendants make no response to the allegations in Paragraph 5 of Plaintiff's Complaint because they are not factual but call for a legal conclusion.

6. Defendants make no response to the allegations in Paragraph 6 of Plaintiff's Complaint because they are not factual but call for a legal conclusion.

PLAINTIFF

7. Defendants admit Plaintiff worked as a massage worker at Defendant Minghui's place of business located at 842 State Road, #206, Princeton, NJ, 08540, from in or about April 2023, however Defendants are without sufficient knowledge or information to form a basis as to the truth concerning when Plaintiff's work commenced and ceased as alleged in Paragraph 7 of Plaintiff's Complaint.

8. Defendants make no response to the allegation in Paragraph 8 of Plaintiff's Complaint because they are not factual but call for a legal conclusion.

DEFENDANTS

CORPORATE DEFENDANT

9. Defendants admit that LD Natural Care Inc d/b/a Minghui Massage Spa ("Defendant Minghui") is a domestic business corporation organized under the laws of the State of New Jersey with a registered address if 1672 State Route 27, 2nd Floor, Edison, NJ 08817, with

a principal place of business located at 842 State Road, #206, Princeton NJ 08540 where it operates its massage spa business, as alleged in Paragraph 9 of Plaintiff's Complaint.

10. Defendants make no response to the allegation contained in Paragraph 10 of Plaintiff's Complaint because they are not factual in nature but call for a legal conclusion.

11. Defendants deny the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12.

13. Defendants make no response to the allegations contained in Paragraph 13 of Plaintiff's Complaint because they are not factual in nature but call for a legal conclusion.

INDIVIDUAL DEFENDANT

14. Defendant Luan denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. Defendant Luan makes no response to the allegations contained in Paragraph 15 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

16. Defendant Luan admits the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Defendant Luan admits the allegations contained in Paragraph 17 of Plaintiff's Complaint, except Defendant Luan denies that she fired Plaintiff.

18. Defendant Luan denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. Defendant Luan makes no response to the allegations contained in Paragraph 19 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

20. Defendants make no response to the allegations contained in Paragraph 20 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

STATEMENT OF FACTS

21. Defendants make no response to the allegations contained in Paragraph 21 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

22. Defendants admit Plaintiff worked as a massage worker at Defendant Minghui's place of business located at 842 State Road, #206, Princeton, NJ, 08540, from in or about April 2023, however Defendants are without sufficient knowledge or information to form a basis as to the truth concerning when Plaintiff's work commenced and ceased as alleged in Paragraph 22 of Plaintiff's Complaint.

23. Defendants admit the allegations contained in Paragraph 23 of Plaintiff's Complaint.

24. Defendants make no response to the allegations contained in Paragraph 24 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

25. Defendants deny the allegations contained in Paragraph 25 of Plaintiff's Complaint.

26. Defendants deny the allegations contained in Paragraph 26 of Plaintiff's Complaint.

27. Defendants deny the allegations contained in Paragraph 27 of Plaintiff's Complaint.

28. Defendants deny the allegations contained in Paragraph 28 of Plaintiff's Complaint.

29. Defendants make no response to the allegations contained in Paragraph 29 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

30. Defendants admit the allegations contained in Paragraph 30 of Plaintiff's Complaint.

31. Defendants deny the allegations contained in Paragraph 31 of Plaintiff's Complaint.

32. Defendants make no response to the allegations contained in Paragraph 32 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

33. Defendants make no response to the allegations contained in Paragraph 33 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

34. Defendants make no response to the allegations contained in Paragraph 34 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

35. Defendants make no response to the allegations contained in Paragraph 35 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

36. Defendants make no response to the allegations contained in Paragraph 36 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

37. Defendants deny the allegations contained in Paragraph 37 of Plaintiff's Complaint

38. Defendants make no response to the allegations contained in Paragraph 38 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

39. Defendants make no response to the allegations contained in Paragraph 39 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

40. Defendants make no response to the allegations contained in Paragraph 40 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

41. Defendants deny the allegations contained in Paragraph 41 of Plaintiff's Complaint.

COLLECTIVE ALLEGATIONS

42. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 42 of Plaintiff's Complaint.

43. Defendants deny the allegations in Paragraph 43 of Plaintiff's Complaint.

CLASS ALLEGATIONS

44. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 45 of Plaintiff's Complaint.

NUMEROSITY

46. Defendants make no response to the allegations contained in Paragraph 46 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

47. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 47 of Plaintiff's Complaint.

COMMONALITY

48. Defendants make no response to the allegations contained in Paragraph 48 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

TYPICALITY

49. Defendants make no response to the allegations contained in Paragraph 49 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

50. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 50 of Plaintiff's Complaint.

51. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 51 of Plaintiff's Complaint.

52. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 52 of Plaintiff's Complaint.

ADEQUACY

53. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 53 of Plaintiff's Complaint.

54. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 54 of Plaintiff's Complaint.

SUPERIORITY

55. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 55 of Plaintiff's Complaint.

56. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 56 of Plaintiff's Complaint.

57. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 57 of Plaintiff's Complaint.

58. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 58 of Plaintiff's Complaint.

59. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 59 of Plaintiff's Complaint.

60. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 60 of Plaintiff's Complaint.

61. Defendants make no response to the allegations contained in Paragraph 61 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

62. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 62 of Plaintiff's Complaint.

63. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 63 of Plaintiff's Complaint.

64. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 64 of Plaintiff's Complaint.

CAUSES OF ACTION

COUNT I.

Violation of FLSA – Nonpayment of Overtime Wages Brought on Behalf of the Plaintiff and the Collective

65. Defendants repeat and reallege each of its responses set forth above as if set forth at length herein.

66. Defendants make no response to the allegations contained in Paragraph 66 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

67. Defendants deny the allegations contained in Paragraph 67 of Plaintiff's Complaint.

68. Defendants deny the allegations contained in Paragraph 68 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

69. Defendants make no response to the allegations contained in Paragraph 69 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

70. Defendants make no response to the allegations contained in Paragraph 70 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

71. Defendants make no response to the allegations contained in Paragraph 71 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

72. Defendants deny the allegations contained in Paragraph 72 of Plaintiff's Complaint.

COUNT II.

Violation of NJWHL – Nonpayment of Minimum Wages Brought on Behalf of the Plaintiff and the Class

73. Defendants repeat and reallege each of its responses set forth above as if set forth at length herein.

74. Defendants make no response to the allegations contained in Paragraph 74 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

75. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 75 of Plaintiff's Complaint.

76. Defendants are without knowledge or information sufficient to form a basis as to the truth of the allegations contained in Paragraph 76 of Plaintiff's Complaint.

77. Defendants make no response to the allegations contained in Paragraph 77 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

78. Defendants make no response to the allegations contained in Paragraph 78 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

79. Defendants deny the allegations contained in Paragraph 79 of Plaintiff's Complaint.

COUNT III.

Violation of NJWHL – Nonpayment of Overtime Wages Brought on Behalf of the Plaintiff and the Class

80. Defendants repeat and reallege each of its responses set forth above as if set forth at length herein.

81. Defendants make no response to the allegations contained in Paragraph 81 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

82. Defendants admit the allegations contained in Paragraph 82 of Plaintiff's Complaint.

83. Defendants deny the allegations contained in Paragraph 83 of Plaintiff's Complaint.

84. Defendants deny the allegations contained in Paragraph 84 of Plaintiff's Complaint.

85. Defendants make no response to the allegations contained in Paragraph 85 of Plaintiff's Complaint because they are not factual in nature but rather call for a legal conclusion.

86. Defendants make no response to the allegations contained in Paragraph 86 of Plaintiff's Complaint because they purportedly recite law and are not factual in nature.

87. Defendants deny the allegations contained in Paragraph 87 of Plaintiff's Complaint.

WHEREFORE, Defendants demand judgment in its favor dismissing Plaintiff's Complaint against it with prejudice, together with attorneys' fees and costs of suit and such other relief as the Court deems equitable and just.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint, and each of the Counts contained therein, fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim for liquidated damages as a matter of law.

THIRD AFFIRMATIVE DEFENSE

Plaintiff is not entitled to the relief sought as a matter of law.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff fails to state a cognizable claim for attorneys' fees or costs.

FIFTH AFFIRMATIVE DEFENSE

The Complaint, and each Court thereof, are barred by the applicable statute(s) of limitation.

SIXTH AFFIRMATIVE DEFENSE

The damages of which Plaintiffs complain, if any, are a result of their own actions or inactions.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims for damages are barred, in whole or in part, by their failure to mitigate their damages, if any.

EIGHTH AFFIRMATIVE DEFENSE

At all relevant times, Defendants acted in good faith and in full compliance with their understanding as to all state and federal laws.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs are estopped and barred by their own conduct from recovering any relief.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of equitable estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

This action is barred by the doctrine of laches.

TWELFTH AFFIRMATIVE DEFENSE

The allegations contained in Plaintiff's Complaint do not rise to the level required for a class or collective action.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendants' employees are not similarly situated and do not form a legally cognizable class.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendants do not waive and hereby expressly reserve the right to assert any and all defenses at such time and to such extent as discovery and factual developments establish a basis thereof.

WILENTZ, GOLDMAN & SPITZER, P.A.
Attorneys for Defendants

By: /s/Tracy A. Armstrong
TRACY A. ARMSTRONG

DATED: September 20, 2024

JURY DEMAND

Defendants hereby demand a trial by jury as to all issues so triable.

WILENTZ, GOLDMAN & SPITZER, P.A.
Attorneys for Defendants

By: /s/Tracy A. Armstrong
TRACY A. ARMSTRONG

DATED: September 20, 2024

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify that the matter in controversy is not the subject of any pending actions.

WILENTZ, GOLDMAN & SPITZER, P.A.
Attorneys for Defendants

By: /s/Tracy A. Armstrong
TRACY A. ARMSTRONG

DATED: September 20, 2024